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June 15, 2022

VIA ECF

The Honorable Valerie Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, New York 10007

Re: Nike, Inc. v. StockX LLC, No. 22 CV 00983 (VEC) (S.D.N.Y.)

Dear Judge Caproni:

Pursuant to the Court’s April 11, 2022 Civil Case Management Plan and Scheduling Order, (Dkt. No. 25, the “Order”), plaintiff Nike, Inc. (“Nike”) and defendant StockX LLC (“StockX,” and together with Nike, the “Parties”) respectfully submit this joint letter to update the Court on the status of discovery.

The Parties are engaged in fact discovery. Since the last joint letter, StockX served on Nike its objections and responses to Nike’s: (1) First Set of Requests for Production of Documents and Things; (2) First Set of Interrogatories; (3) First Set of Requests for Admission; and (4) Request to Inspect StockX’s Vault Premises. Nike served on StockX its objections and responses to StockX’s (1) First Set of Requests for Production and (2) First Set of Interrogatories.

The Parties continue to engage in document collection from the witnesses identified on their respective Fed. R. Civ. P 26(a)(1)(A) initial disclosures and are searching for any non-custodial materials that are likely to be responsive to the other’s requests, with the aim of substantially completing their respective document productions by July 15, 2022.

The Parties have also exchanged written correspondence regarding StockX’s objections and responses to Nike’s discovery requests and, on June 13, met and conferred telephonically regarding the same. While the Parties meaningfully conferred and found agreeable solutions to many of StockX’s objections, the Parties have likely reached an impasse regarding others, and will thus be reaching out to the Court in the coming days regarding a ripe dispute as required by Rule 3(B) of the Court’s Individual Practices in Civil Cases.

StockX has sent a letter to Nike regarding Nike’s objections and responses to StockX’s discovery requests. Nike will timely respond, and the Parties plan to schedule a meet and confer to discuss any remaining issues.

The Parties have also been negotiating a proposed confidentiality order, a F.R.E. 502(d) order, and an ESI protocol. With respect to the proposed confidentiality order and 502(d) order, the Parties are generally in agreement but are diligently attempting to reach a compromise on whether the receiving party’s in-house counsel may access the producing party’s “Highly

Confidential Attorneys' Eyes Only" material. With respect to the ESI protocol, the Parties are also generally in agreement but are diligently attempting to resolve one outstanding issue regarding the number of custodians from whom the Parties will collect documents. The Parties anticipate that these issues will either be resolved by the end of this week or will be ripe for a discovery conference with the Court.

The Parties thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Tamar Y. Duvdevani

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